

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on January 11, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Bill Harris (R)
Rep. Ellie Hill Smith (D)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)

Members Excused:

Rep. Kirk Wagoner (R)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 111, 1/6/2017; HB 129, 1/6/2017; HB 181, 1/6/2017
Executive Action: HB 58, HB 59, HB 65, HB 87, HB 93, HB109, HB135, HB 184

Committee Business:

00:01:08 Rep. Sheldon-Galloway
00:09:22 Chair Doane

HEARING ON HB 111

Opening Statement by Sponsor:

00:09:46 Rep. Ryan Lynch (D), HD 76, opened the hearing on HB 111, Revising laws related to minor in possession data.

Proponents' Testimony:

00:10:35 Zoe Barnard, Department of Health and Human Services (DPHHS)
00:11:27 Beth McLaughlin, Administrator, Montana Supreme Court

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:13:08 Rep. Lynch

HEARING ON HB 129

Opening Statement by Sponsor:

00:14:23 Rep. Ellie Hill Smith (D), HD 90, opened the hearing on HB 129, Revising laws related to privacy in communications.

[**EXHIBIT\(juh08a01\)**](#)

00:15:43 Rep. Wagoner joined the meeting
00:24:10 Chair Doane

Proponents' Testimony:

00:24:24 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs of Police Association (MACOP), Montana Police Protective Association (MPPA)
00:29:02 Robin Turner, Montana Coalition Against Sexual and Domestic Violence (MCADSV)

Opponents' Testimony:

00:39:57 Mark Baker, AT&T, Charter Communications
00:42:24 John MacDonald, Montana Newspaper Association
00:45:17 Jessie Luther, Verizon Wireless, Motion Picture Association of America (MPAA)

[**EXHIBIT\(juh08a02\)**](#)

00:50:43 SK Rossi, American Civil Liberties Union (ACLU)

Informational Testimony: None

Questions from Committee Members and Responses:

00:52:50	Rep. Kelker
00:53:43	Robin Turner, MCADSV
00:54:32	Rep. Kelker
00:55:21	Jessie Luther, Verizon Wireless, MPAA
00:56:48	Rep. Wagoner
00:57:37	Rep. Hill Smith
00:58:24	Rep. Wagoner
00:59:10	Robin Turner, MCADSV
00:59:32	Chair Doane
00:59:49	Robin Turner, MCADSV
01:01:02	Chair Doane
01:01:25	Robin Turner, MCADSV
01:01:44	Rep. C. Knudsen
01:02:22	S.K Rossi, ACLU
01:02:40	Rep. Usher
01:03:05	S.K Rossi, ACLU
01:03:24	Rep. Usher
01:03:56	John MacDonald, Montana Newspaper Association
01:04:24	Rep. Sheldon-Galloway
01:05:06	Rep. Hill Smith
01:05:27	Rep. Sheldon-Galloway
01:06:08	Robin Turner, MCADSV
01:07:45	Rep. McConnell
01:08:01	Shane Scanlon, AT&T, Charter Communications
01:08:13	Rep. McConnell
01:08:50	Shane Scanlon, AT&T, Charter Communications
01:09:10	Rep. McConnell
01:09:56	Shane Scanlon, AT&T, Charter Communications
01:10:17	Chair Doane
01:10:40	Rep. McConnell
01:10:52	Chair Doane
01:11:02	Rep. McConnell
01:11:51	Robin Turner, MCADSV
01:12:11	Rep. McConnell
01:12:18	Robin Turner, MCADSV
01:12:43	Rep. McConnell
01:13:06	Mark Murphy, MCAA, MACOP, MPPA
01:16:23	Rep. Harris
01:17:12	Rep. Hill Smith
01:21:21	Rep. Harris
01:21:47	Rep. Hill Smith
01:22:30	Rep. Usher
01:23:26	Rep. Hill Smith
01:23:59	Rep. Usher
01:24:13	Chair Doane
01:24:33	Mark Murphy, MCAA, MACOP, MPPA
01:26:05	Chair Doane

01:26:41 Mark Murphy, MCAA, MACOP, MPPA

Closing by Sponsor: None

01:29:24 Recessed

01:39:24 Reconvened

HEARING ON HB 181

Opening Statement by Sponsor:

01:39:35 Rep. Forrest Mandeville (R), HD 57, opened the hearing on HB 181, Establish requirements for police dogs.

[EXHIBIT\(juh08a03\)](#)

[EXHIBIT\(juh08a04\)](#)

Proponents' Testimony: None

Opponents' Testimony:

01:42:49 Jerry Williams, Montana Police Protective Association (MPPA)

01:44:55 John Kaleczyc, Helena Police Department, Montana Police Protective Association (MPPA)

01:46:57 Mark Murphy, Montana Association of Chiefs of Police, (MACOA)

01:48:06 Jason LaCross, Bozeman Police Department

01:50:53 Dave Galt, Montana Sheriffs and Police Officers Association (MSPOA)

01:51:35 John MacDonald, Missoula Police Department

01:52:37 Perry Johnson, Public Safety Officers Standards of Training (POST)

[EXHIBIT\(juh08a05\)](#)

[EXHIBIT\(juh08a06\)](#)

[EXHIBIT\(juh08a07\)](#)

01:58:25 Chair Doane

Informational Testimony: None

Questions from Committee Members and Responses:

01:58:53 Rep. Harris

01:59:57 Jerry Williams, MPPA

02:01:11 Vice Chair Court

02:02:05 Rep. Mandeville

02:02:26 Vice Chair Court

02:02:58 Jason LaCross, Bozeman Police Department

02:03:14 Vice Chair Court

02:03:30 Jason LaCross, Bozeman Police Department

02:03:45 Rep. Manzella

02:04:25 Jason LaCross, Bozeman Police Department

02:05:09 Rep. Usher

02:05:31 Jason LaCross, Bozeman Police Department

02:05:50 Rep. Usher

02:06:01 Jason LaCross, Bozeman Police Department

02:06:20 Rep. Kelker

02:07:10 Jerry Williams, MPPA
02:07:48 Rep. Kelker
02:08:36 Jason LaCross, Bozeman Police Department
02:09:33 Vice Chair Court
02:10:04 Jerry Williams, MPPA
02:10:16 Vice Chair Court
02:10:29 Rep. Usher
02:10:58 John Kaleczyc, Helena Police Department
02:12:06 Rep. Usher
02:12:30 Rep. Mandeville
02:13:25 Rep. Usher
02:14:01 Rep. Mandeville

Closing by Sponsor:

02:14:56 Rep. Mandeville

02:17:50 Recessed

02:24:40 Reconvened

EXECUTIVE ACTION ON HB 93

Motion: Rep. Berglee moved that **HB 93 DO PASS.**

Discussion:

02:25:01 Rep. Bishop

Motion: Rep. Berglee moved that **HB 93 BE AMENDED.**

EXHIBIT(juh08a08)

Discussion:

02:27:20 Helen Thigpen, Legislative Services Division (LSD)
02:28:12 Chair Doane
02:28:44 Vice Chair Court
02:29:32 Rep. Hill Smith
02:30:35 Rep. Usher
02:31:08 Rep. Brown
02:32:44 Rep. Morigeau
02:33:44 Rep. Harris
02:35:07 Chair Doane
02:35:15 Vice Chair Berglee
02:35:41 Chair Doane

Vote: Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Perry and Rep. M. Regier voting no.

Motion: Rep. Harris moved that **HB 93 BE AMENDED.**

EXHIBIT(juh08a09)

Discussion:

02:39:53 Rep. Wagoner

Vote: Motion failed 4-15 by roll call vote with Rep. Harris, Rep. Manzella, Rep. M. Regier and Rep. Usher voting aye.

Motion: Rep. Berglee moved that **HB 93 DO PASS AS AMENDED.**

Discussion:

02:42:03 Rep. Hill Smith
02:44:45 Rep. McConnell
02:48:08 Rep. Wagoner
02:48:40 Rep. Morigeau
02:50:11 Rep. Harris
02:51:15 Rep. Mortensen

Vote: Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. B. Brown, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no.

EXECUTIVE ACTION ON HB 87

Motion/Vote: Rep. Berglee moved that **HB 87 DO PASS.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 65

Motion: Rep. Berglee moved that **HB 65 DO PASS.**

Discussion:

02:54:25 Helen Thigpen, LSD

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 58

Motion: Rep. Berglee moved that **HB 58 DO PASS.**

Discussion:

02:55:31 Helen Thigpen, LSD

Vote: Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye.

Motion: Rep. Court moved that **HB 58 BE TABLED.**

Discussion:

02:57:51 Chair Doane
02:58:04 Vice Chair Court
02:58:21 Helen Thigpen, LSD
02:58:57 Chair Doane
02:59:04 Vice Chair Court

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 59

Discussion:

02:59:45 Helen Thigpen, LSD

03:00:15 Chair Doane

Motion/Vote: Rep. Berglee moved that **HB 59 DO PASS**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 109

Motion: Rep. Berglee moved that **HB 109 DO PASS**.

Discussion:

03:01:10 Helen Thigpen, LSD

03:01:25 Chair Doane

03:01:33 Rep. Wagoner

03:01:49 Rep. Kelker

03:02:12 Rep. C. Knudsen

03:02:33 Rep. Harris

Vote: Motion failed 6-13 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Kelker, Rep. Manzella and Rep. Perry voting aye.

Motion/Vote: Rep. Court moved that **HB 109 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 184

Motion: Rep. Berglee moved that **HB 184 DO PASS**.

Discussion:

03:05:02 Helen Thigpen, LSD

Motion/Vote: Rep. Wagoner moved that **HB 184 BE AMENDED**. Motion carried unanimously by voice vote.

EXHIBIT(juh08a10)

Motion/Vote: Rep. Berglee moved that **HB 184 DO PASS AS AMENDED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 135

Motion: Rep. Berglee moved that **HB 135 DO PASS**.

Discussion:

03:06:56 Helen Thigpen, LSD

Vote: Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 03:08:15

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh08aad.pdf](#))